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Community Development Department

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Village of Westmont Planning and Zoning Commission August 10, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, August 10, 2016 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

(1) Call to Order

(2) Roll Call

In attendance: Chair Ed Richard, Commissioners Gregg Pill, Thomas Sharp, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Community Development Director Jill Ziegler, Planner Joseph Hennerfeind

Absent: Commissioner Craig Thomas.

(3) Pledge of Allegiance.

(4) Swearing in of testifying attendees and reminder to sign in.

(5) Reminder to silence all electronic devices.

(6) Approval of Minutes of the July 13, 2016 meeting.

MOTION to approve the July 13, 2016 minutes.

Motion by: Bartel

Second by: Pill

VOTING A

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

MOTION to hear presentation on PZ 16-018 first in the open hearing.

Motion by: Pill

Second by: Carmichael

VOTING A

Van Buren--Yes
Sharp--Yes
Bartel--Yes
Carmichael--Yes
Pill--Yes
Richard--Yes
Motion passed.

(7) Open Hearing

Old Business

PZ 16-018 **LWV Odessa Ponds, LLC, regarding the properties located at 6704-24 Echo Lane, 6703-24 Tudor Lane, 6703-24 Alpine Lane, 6703-24 Park Lane, 6703-24 Lakeshore Drive, 6703-24 Cedar Lane, 6703-24 Vail Drive, 6703-24 Aspen Lane, 6703-23 Maple Lane, Westmont, IL 60559 for the following:**

- (A) Map Amendment request to rezone from R-4 General Residence District to a Planned Development Overlay District in the underlying R-4 General Residence District with the following exceptions from the Zoning Code:
1. Exception to reduce the required amount of useable open space, which is currently non-conforming.
 2. Exception to permit existing non-conforming lot area.
 3. Exception to permit existing nonconforming front yard setbacks.
- (B) Zoning Code Variance request to exceed the maximum number of allowable accessory structures to construct clubhouse facilities.
- (C) Zoning Code Variance request to exceed the maximum size of an accessory clubhouse structure.
- (D) Zoning Code Variance request to exceed the maximum height of an accessory clubhouse structure.
- (E) Zoning Code Variance request to permit existing non-conforming number of parking spaces.
- (F) Preliminary Plat of Subdivision to consolidate the properties into two lots.
- (G) Site and landscaping plan approval for the construction of clubhouse facilities.

PRESENTATION: Matt Goodman on behalf of Odessa Ponds Owner, reviewed that this is a 29 acre property with 31 buildings, common areas and apartments. There was previously no coordinated ownership or association for this development which led to decline and problems. Odessa has consolidated the ownership to acquire full property ownership for all the lots. They foresee this being an institutional asset that going forward could potentially be taken over by a large investor. Their investment has and will include many improvements including garbage clean up, roofs, and interior renovations. They will have new leases and background checks going forward for all tenants. They would like to divide the property into two lots to make it more feasible for an investor to purchase. They would like to remove the old pool and add a new clubhouse, and possibly a second clubhouse. They feel this is a necessary amenity to compete with surrounding marketplace. He did mention that their requests are outlined in detail in their petition. He did mention that the parking has not been at issue and historically has not been an issue though they are technically non-conforming on the number of spaces per code. He asked that the clubhouse not be considered an accessory structure such as a shed, but as an extra amenity since the size is well outside the requirements for an accessory structure.

STAFF COMMENT: Hennerfeind mentioned this is a continuation from the last meeting and he covered the differences between the meetings. There are exceptions or waivers that are included with this proposal. The first exception is the usable space of the development, which is hard to measure and

currently does not meet the required code. The clubhouse would further reduce the amount of usable space. There are two deficiencies in set-backs. There are zoning variances in the dimensions of the accessory structure. There are currently over 94 parcels being combined into two parcels, so it is a consolidation. Lot one would be deficient 23 acres, or 62%. Lot two would be deficient 15.2 acres, or 49%. He mentioned what they are proposing does not include any changes; this is documenting the items due to current code so it is noted. Because this development is existing, there are also two setbacks that do not meet code. Part of the proposal is giving permission to grandfather the current buildings as they are and in the event they may need to be rebuilt even though they do not meet current code requirements. This however would only be allowed if the building had to be rebuilt due to fire or some other similar circumstances, if the area was redeveloped the exception would not be allowed. They are deficient in parking spaces for both parcels but the Village has had no issues or complaints on parking issues from cars having to park in surrounding streets due to being deficient in parking.

PUBLIC COMMENT: none.

COMMISSIONER COMMENT:

Sharp: asked about building the new clubhouse on lot two and how it will be accessed, and if sidewalks would be provided to the facility. Reply: The proposal is a single point of entry from the parking lot and the current pool has similar accessibility; the new proposal would be the same. Staff: no actual parking data for the clubhouse use but since it is intended to serve the residents they did not calculate additional parking needed because of adding the clubhouse.

Bartel: asked about the congestion for homeowners near the area. Reply: he cannot address the specific congestion issue, but it is a significant investment and certainly improving the quality of life in this area, but they would be willing to work with staff if an issue with congestion arose.

Pill: no new questions, supports the project.

Van Buren: supportive of the project, but did mention the lack of usable space, suggested possibly filling the ponds in and consolidating the storage, allowing more outdoor space. Reply: though the clubhouse is not open space, it still serves the public in a similar way of being active.

Carmichael: he agrees that the ponds are an eyesore to be filled in or dressed up. He suggested Park Lane being one way in and one way out and addressed the neighbors concerns. He supports the project.

Richard: asked about lot numbering, because there are two lots with the number 3, complimented them on the improvements and reiterated the clean up on the ponds and possibly filling them in and put in a new retention basin. Reply: some of those lot numbers are the existing numbers and will have no relevance if approved. He agreed to pass along the possibility of the filling in the ponds. Staff: the engineering would be a huge endeavor to fill in the ponds.

Attorney: suggested to the applicant that items that were mentioned such as sidewalks, filling in ponds, etc. be addressed with his clients prior to next Village meeting so they can present correctly when they appear in front of the Village board.

FINDING OF FACTS A

1. YES=6 NO=0
2. YES=6 NO=0
3. YES=6 NO=0

MOTION A

Motion to recommend to the Village Board of Trustees to approve to a Map Amendment request to

rezone from R-4 General Residence District to a Planned Development Overlay District in the underlying R-4 General Residence District with the following exceptions from the Zoning Code:

1. Exception to reduce the required amount of useable open space, which is currently non-conforming.
2. Exception to permit existing non-conforming lot area.
3. Exception to permit existing nonconforming front yard setbacks.

Motion by: Van Buren

Second by: Bartel

VOTING A

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

FINDING OF FACTS B, C, D

1. YES=6 NO=0
2. YES=6 NO=0
3. YES=6 NO=0

MOTION B

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to exceed the maximum number of allowable accessory structures to construct clubhouse facilities.

Motion by: Pill

Second by: Bartel

VOTING B

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

MOTION C

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to exceed the maximum size of an accessory clubhouse structure.

Motion by: Carmichael

Second by: Van Buren

VOTING C

Van Buren--Yes
Sharp--Yes
Bartel--Yes
Carmichael--Yes
Pill--Yes
Richard--Yes
Motion passed.

MOTION D

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to exceed the maximum height of an accessory clubhouse structure.

Motion by: Van Buren
Second by: Pill

VOTING D

Van Buren--Yes
Sharp--Yes
Bartel--Yes
Carmichael--Yes
Pill--Yes
Richard--Yes
Motion passed.

FINDING OF FACTS E

1. YES=6 NO=0
2. YES=6 NO=0
3. YES=6 NO=0

MOTION E

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to permit existing non-conforming number of parking spaces.

Motion by: Bartel
Second by: Sharp

VOTING E

Van Buren--Yes
Sharp--Yes
Bartel--Yes
Carmichael--Yes
Pill--Yes
Richard--Yes
Motion passed.

MOTION F

Motion to recommend to the Village Board of Trustees to approve to a Preliminary Plat of Subdivision to consolidate the properties into two lots.

Motion by: Van Buren

Second by: Carmichael

VOTING F

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

MOTION G

Motion to recommend to the Village Board of Trustees to approve to a Site and landscaping plan approval for the construction of clubhouse facilities.

Motion by: Bartel

Second by: Van Buren

VOTING G

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

PZ 16-013 Westmont B Imports, Inc. regarding the property located at 420 and 430 East Ogden Avenue, a portion of Westmont Drive, 645, 650 and 651 Westmont Drive, and 415 Plaza Drive, Westmont, IL 60559 for the following:

- (A) Special Use Permit request to operate an automotive dealership in the B-2 General Business District.
- (B) Zoning Code Variance request to allow parking within the front yard setback.
- (C) Zoning Code Variance Request to increase the allowed height in the B-2 General Business District for the purpose of constructing a rooftop parking deck for an automobile dealership.
- (D) Preliminary Plat of Vacation for Westmont Drive.
- (E) Preliminary Plat of Consolidation.
- (F) Site and Landscaping Plan approval.

PRESENTATION: Tom McCabe, civil engineers, presented that there are four issues that have been revised since the last meeting. They did send the plans to Ms. Emery as per their request and suggested a meeting, which Emery declined after reviewing the plans. The landscaping has been revised and they have received comments back on the plans that they were acceptable from the Village. They also did a camera traffic study for 48 hours near Plaza and Blackhawk. And Pat Womack attended to address any questions as his presence was requested at the previous meeting.

STAFF COMMENT: Hennerfeind summarized the proposal and mentioned the applicant did provide a revised landscape plan that was provided in packet but has not been reviewed by staff and there are some additional documents regarding the communication with Ms. Emery. Staff does feel that based on comments from Village landscaper than any outstanding issues could be resolved. It does appear that street trees and other issues have been resolved and the revisions have been made on the moving of the cul de sac.

Commissioner Richard mentioned that they have not received plans and revisions back with enough time to review over the course of this proposal. McCabe replied that they received comments back from Village landscaper on August 8th and turned them around in one day.

PUBLIC COMMENT: Emery thanked McCabe for providing the plans and it did answer a lot of questions. She asked Womack if they considered other plans outside of the vacated Westmont Drive. She discussed underground detention and the costs and asked if they could possibly put the parking lot and a retention pond in, instead of using Westmont Drive. She mentioned the revised traffic study, and that there are 2000 cars a day using Westmont Drive. She noted that school was not in session during the dates of the study. She mentioned that in her communication with the applicants it was stated that IDOT is usually not involved until construction is done, but she does feel that that is the best practice. She referred back to another project and how it makes sense that those parties are involved prior to the construction so the effects and IDOT requirements are known upfront. They are requesting that it is required that this applicant work with IDOT now so that there are no surprises later, per various businesses on Plaza Drive.

Carey Craftheffer, owner of condo units near Plaza Drive, discussed that he met with the applicant regarding the closing of Plaza Drive. He mentioned that the closing would help the auto dealers, tax revenue, the tennis club that sold, but inquired whether it would help the other business owners behind the area. He said that the plan that was developed in that area was a very good plan and has developed the area well. He mentioned that this proposal is being made by a billion dollar company but there is collateral damage to the much smaller surrounding businesses. He stated that he is looking to the planning commission to help make sure that this plan is improved to help protect the small businesses. Chairman Richard asked if he had suggestions. Craftheffer mentioned that he feels that the plan is incomplete in addressing the traffic issues and negative affect on his business area but he did not have any specific suggestions.

Claire Wu, owner at 414 Plaza Drive, stated she is not objecting the development of AutoNation but the design will have a negative impact on their businesses and a decrease to their property value. She has been in business in Westmont for 30 years and part of the Taiwanese Chamber of Commerce and now Westmont is a sister city of a Taiwanese city. They chose to make Westmont their permanent home and they are a nationwide company that has put Westmont on the map for the dental industry and they have not been given fair consideration to their business and the effects of closing Westmont Drive.

REBUTTAL:

Mr. McCabe addressed Emery's comments that signals would cost more than underground detention, he corrected that signals would be about \$50k per signal and underground detention would be \$2.5 million, so her facts on the costs were incorrect. He discussed that IDOT does not get involved in a planning mode, especially when this is an area not directly on their property. He mentioned the business owners

concerns that their property value would decrease and does not agree that having visitors go an extra half mile, to a safer intersection especially when they come from all over the surrounding area is a deterrent that is going to affect their businesses.

Michael Worthman, KLOA traffic consultant, discussed that the traffic showed 1500-2100 vehicles per day on Plaza Drive. He noted it has the capacity of 10,000 vehicles so it has a lot of capacity left even with the elimination of Westmont Drive. He noted that 1-2 trucks per hours traveled on Plaza and they timed the trucks backing into docks which took from 30 sec-2minutes. During the times that a truck was blocking traffic to pull into a dock there was a max of 2 cars waiting at any given time. The trucks do not have a big impact on the flow of traffic on Plaza Drive, there is no parking along the docks, plenty of room on Plaza Drive. He also analyzed the intersection and use of Blackhawk at Ogden and found that this approach works well to access and leave the area. He found that even during peak evening hours there is some back up but that usually only takes one green cycle for the cars to get through. And he found that even during shift change of businesses it requires no more than 1-2 cycles of the green light for cars waiting to get through. He also mentioned that the street has been re-stripped which has greatly improved the traffic flow there as well. IDOT was mentioned that they can adjust the signal times, but they won't do that until a problem arises after construction. With the vacation of Westmont Drive they are looking at only a slight addition of cars to that area.

Wu spoke again that she does not understand why BMW cannot have a one way into their facility and out, that they do not need two lanes and the use of Westmont Drive and hopes that this can be an option to consider as it would be a win-win situation.

McCabe mentioned that if you are coming from the West they are entering by driving down Blackhawk anyway. And if you are coming from the east it would an additional half mile to enter when they are driving from all over anyway, so it should not be an inconvenience.

COMMISSIONER COMMENT:

Carmichael: he sees project in a positive way but does understand the convenience of Westmont Drive and the issue to those businesses.

Van Buren: asked about the effect of school traffic. Reply: Worthman said that school was not in session during the study but he did say the street is only at 20% capacity. Van Buren stated that the fears of the business owners seem much more than what the actual impact will be so he supports the project.

Pill: mentioned another dead end cul de sac leading into businesses in the Village, though that was designed that way intentionally this project reminds him of that area. He stated that he has traveled in the area many, many times and very familiar with the traffic at the close of businesses, has not seen an effect from the school traffic and he is in favor of the project.

Bartel: she said she thinks that it is an assumption that the small businesses would be affected but that might be more fear of the change and not supported by evidence that the effect would be so great.

Sharp: feels that there is ample capacity on Plaza Drive, though he does understand the concern from the businesses. He mentioned that he would like to see the architecture be continued to be developed. He supports the consolidation into one.

Richard: had a question for Ms. Wu, though she left regarding the amount of traffic that comes into her location. Emery responded for her that she does not have a walk in traffic but she does have vendors and clients occasionally. Richard asked Noriega about the wording regarding detention plan. McCabe replied that county ordinance would not require them needing any detention but Village ordinance does require. They wanted to start construction now in fall, which would be demo, but start the detention area in the spring. They would like to put the far north detention pond in which would cover new

building and then later do the other detention. He also noted that there is no existing detention and area floods so their detention will actually improve the safety and flooding issues for the entire area.

FINDING OF FACTS A

- (1) YES=6 NO=0
- (2) YES=6 NO=0
- (3) YES=6 NO=0
- (4) YES=6 NO=0
- (5) YES=6 NO=0
- (6) YES=6 NO=0
- (7) YES=6 NO=0

MOTION A

Motion to recommend to the Village Board of Trustees to approve to a Special Use Permit request to operate an automotive dealership in the B-2 General Business District.

Motion by: Bartel

Second by: Sharp

VOTING A

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

FINDING OF FACTS B

- (1) YES=6 NO=0
- (2) YES=6 NO=0
- (3) YES=6 NO=0

MOTION B

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to allow parking within the front yard setback.

Motion by: Van Buren

Second by: Carmichael

VOTING B

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

FINDING OF FACTS C

(1) YES=6 NO=0

(2) YES=6 NO=0

(3) YES=6 NO=0

MOTION C

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance Request to increase the allowed height in the B-2 General Business District for the purpose of constructing a rooftop parking deck for an automobile dealership.

Motion by: Pill

Second by: Van Buren

VOTING C

Van Buren--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

MOTION D

Motion to recommend to the Village Board of Trustees to approve to a Preliminary Plat of Vacation for Westmont Drive.

Motion by: Bartel

Second by: Pill

VOTING D

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--No

Pill--Yes

Richard--Yes

Motion passed.

MOTION E

Motion to recommend to the Village Board of Trustees to approve to a Preliminary Plat of Consolidation.

Motion by: Bartel

Second by: Van Buren

VOTING E

Van Buren--Yes
Sharp--Yes
Bartel--Yes
Carmichael--Yes
Pill--Yes
Richard--Yes
Motion passed.

MOTION F

Motion to recommend to the Village Board of Trustees to approve to a Site and Landscaping Plan approval.

Motion by: Pill
Second by: Bartel

VOTING F

Van Buren--Yes
Sharp--Yes
Bartel--Yes
Carmichael--Yes
Pill--Yes
Richard--Yes
Motion passed.

(8) Motion to adjourn.

Motion by: Bartel
Second by: Pill

Meeting adjourned 8:48pm.